

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:11-CV-41-D

In re SUBPOENA ISSUED TO
MICHAEL JAMES, ASSISTANT
UNITED STATES ATTORNEY,
IN THE MATTER OF STATE OF
NORTH CAROLINA v. ANDRE
SHARPLESS, NEW HANOVER
COUNTY, SUPERIOR COURT
DIVISION, FILE NO. 09CRS63128

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ORDER

On January 24, 2011, a subpoena issued in State of North Carolina v. Andre Sharpless, 09CRS63128, New Hanover County Superior Court, requiring Assistant United States Attorney Michael James ("AUSA James") to appear, testify, and produce documents on February 21, 2011. AUSA James is an employee of the United States Department of Justice. The state court criminal proceeding in which the subpoena was issued does not involve the United States.

AUSA James is an employee of the United States, and the subpoena requires testimony in a state court proceeding involving facts and information that he received while acting in the course and scope of his employment with the United States Department of Justice.

On February 8, 2011, pursuant to 28 U.S.C. § 1442, the United States properly removed this subpoena action to this court. On that same date, the United States filed a motion to quash [D.E. 3]. The motion to quash is GRANTED. See 28 C.F.R. §§ 16.21 et seq.; Boron Oil Co. v. Downie, 873 F.2d 67, 69–71 (4th Cir. 1989).

SO ORDERED. This 14 day of February 2011.


JAMES C. DEVER III
United States District Judge